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REMARKS

Claims 1-4 are all the claims presently pending in the application. Claims 1-4 have been amended to more particularly define the invention.

It is noted that the claim amendments herein or later are not made to distinguish the invention over the prior art or narrow the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein or later should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicant gratefully acknowledges the Examiner's indication that claims 3 and 4 would be allowable if rewritten in independent form. Accordingly, Applicant has rewritten allowable claims 3 and 4 in independent form including all the limitations of their base claim and any intervening claims. However, Applicant respectfully submits that all of the claims presently pending are allowable

Claims 1-2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lee (U.S. Patent No. 6,196,080).

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

An exemplary aspect of the invention, as recited in claim 1, is directed to a select system for an automatic transmission having a select lever switching over between a mechanical automatic mode and an electrical manual mode including a single engaging protrusion provided to the select lever and extended for a predetermined distance to one side, the engaging protrusion including an upper protrusion and a lower protrusion, and a rotatable

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linkage member having an engaging groove for inserting the engaging protrusion therein.

When the select lever is in the automatic mode, the linkage member is rotatable with a shifting movement of the select lever by an engagement between the engaging protrusion and a part of the engaging groove so as to achieve mechanical transmission control of the automatic transmission. When the select lever is in the manual mode, the lower protrusion disengages from the part of the engaging groove and the upper protrusion restricts movement of the linkage member relative to the engaging protrusion within a predetermined distance smaller than a moving stroke of the linkage member necessary to achieve the mechanical transmission control of the automatic transmission.

In a conventional select system, the rod 9 of a select lever 2 may be tapered to facilitate engagement and removal from a rod receiving hole 11 of a guide groove 10 in the linkage member 5. However, the rod 9 of the select lever 2 may disengage from the rod receiving hole 11 due to external factors, such as vibrations caused by the road surface, causing an unexpected change in the transmission from an automatic mode to a manual mode. (See Application at Figures 7 and 8, and page 2, lines 18-25)

Additionally, because the linkage member 5 is released from the select lever 2 in the manual mode 4 and not inhibited from rotating, the linkage member 5 may accidentally rotate due to external factors, such as above, which may lead to a forcible shift change of the automatic transmission, even when the select lever 2 is in manual mode 4. Thus, an accidental release of the select lever 2 from the gear position or an unexpected gear change could occur in the manual mode. (See Application at page 2, line 26 through page 3, line 6)

In the claimed invention, on the other hand, when the select lever is in the manual mode, the lower protrusion disengages from the part of the engaging groove and the upper

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protrusion restricts movement of the linkage member relative to the engaging protrusion within a predetermined distance smaller than a moving stroke of the linkage member necessary to achieve the mechanical transmission control of the automatic transmission.

Thus, the engaging protrusion restricts an accidental rotation of the linkage member so as to avoid mechanical transmission control of the automatic transmission, while the engaging protrusion disengages from the part of the engaging groove. These features, amongst others, prevent an accidental release of the select lever from a desired gear position or an unexpected shift change of the automatic transmission.

II. THE LEE REFERENCE

The Examiner alleges that Lee teaches the inventions of claims 1 and 2. Applicant submits, however, that there are elements of the claimed invention, which are neither taught nor suggested by Lee.

Lee discloses a shift/select lever unit for a dual-mode automatic transmission. (See Lee at Abstract)

However, Lee does not teach or suggest that “*when [the] select lever is in the manual mode, [the] lower protrusion disengages from the part of [the] engaging groove and [the] upper protrusion restricts movement of [the] linkage member relative to [the] engaging protrusion within a predetermined distance smaller than a moving stroke of [the] linkage member necessary to achieve the mechanical transmission control of [the] automatic transmission.*” as recited in independent claim 1. (Emphasis added)

Instead, Lee discloses a cable bracket 3 rotatably connected to a hinge member 8 and includes a connecting lever hole 9 into which a distal end of a connecting lever 5 is inserted

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(See Lee at Figures 2-4 and column 3, lines 56-58) The connecting lever hole 9 of Lee includes an auto mode section 15 and a manual mode section 16, the auto mode section 15 being smaller than the manual mode section 16. When the connecting lever 5 is inserted into the auto mode section 15, the select lever 2 is fixed in its relative motion with the cable bracket 3. When the connecting lever 5 is transferred into the manual mode section 16, the select lever 2 disengages the auto mode section 15 and can be moved relative to the cable bracket 3. (See Lee at column 4, lines 12-26)

Lee further discloses that the cable bracket 3 also includes a push lever or stopper hole 10 into which a stopper portion 17 of a flat spring 18 is inserted. Thus, when the connecting lever 5 is inserted into the manual mode section 16 of the connecting lever hole 9, the push lever 6 acts to insert the stopper portion 17 of the flat spring 18 in the push lever hole 10 to securely fix the cable bracket 3. (See Lee at Figures 3-4, column 3, lines 56-65)

In this manner, when in the manual mode, the flat spring 18, which is fixed to the main frame 14, firmly secures the cable bracket 3 in the drive range state so that the driver can reliably move the selector 2 within the manual mode region for upshifting and downshifting operations. (See Lee at column 4, lines 59-64)

The mechanism of the claimed invention, on the other hand, includes an engaging protrusion, including an upper protrusion and a lower protrusion, and an engaging groove. When the select lever is in the manual mode, only the lower protrusion disengages from a part of the engaging groove. The upper protrusion remains within the engaging groove and restricts the movement of the linkage member relative to the engaging protrusion within a predetermined distance smaller than a moving stroke of the linkage member necessary to achieve the mechanical transmission control of the automatic transmission. In this manner,

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the engaging protrusion restricts an accidental rotation of the linkage member so as to avoid the mechanical transmission control of the automatic transmission.

The Examiner alleges that the connecting lever 5 of Lee has the capability of restricting the movement of the cable bracket 3, regardless of the rotation restriction mechanism, because the connecting lever 5 is always located with connecting lever hole 9. However, when in the manual mode, absent the disclosed rotation restriction mechanism, the cable bracket 3 in Lee can freely rotate relative to the select lever 2 that is also free to rotate, which may result in an accidental release of the select lever from a desired gear position or an unexpected shift change of the automatic transmission.

As noted above, Lee restricts the rotation of the cable bracket 3 by the interaction of the push lever 6, the flat spring 18, and the push lever hole 10. (See Lee at column 4, line 48 through column 5, line 14) Clearly, the connecting lever 5 and connecting lever hole 9 of Lee do not work for restricting the rotation of the cable bracket 3 in the manual mode given that no part of the connecting lever 5 is inserted into the automatic mode section 15 when in the manual mode section 16. Thus, the mechanism of Lee requires a wholly separate mechanism for restricting the rotation of the cable guide 3 beyond the connecting lever 5 and connecting lever hole 9, namely the push lever 6, the flat spring 18, and the push lever hole 10.

Clearly, Lee does not teach or suggest that the connecting lever 5 restricts the movement of the cable bracket 3 relative to the connecting lever 5 in any manner. Lee certainly does not teach or suggest that the connecting lever 5 includes an upper portion that remains engaged with the auto mode section 15 when switched to the manual mode section 16 in order to restrict the relative movement of the cable bracket 3 to prevent mechanical transmission control of the automatic transmission.

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Thus, there is no teaching or suggestion in Lee that that “*when [the] select lever is in the manual mode, [the] lower protrusion disengages from the part of [the] engaging groove and [the] upper protrusion restricts movement of [the] linkage member relative to [the] engaging protrusion within a predetermined distance smaller than a moving stroke of [the] linkage member necessary to achieve the mechanical transmission control of [the] automatic transmission,*” as recited in independent claim 1. (Emphasis added)

Therefore, Applicant submits that there are elements of the claimed invention that are neither taught nor suggested by Lee. Therefore, the Examiner is respectfully requested to withdraw this rejection.

III. CONCLUSION

In view of the foregoing, Applicant submits that claims 1-4, all the claims presently pending in the application, are patentably distinct over the prior art of record and are allowable, and that the application is in condition for allowance. Such action would be appreciated.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary for allowance in a telephonic or personal interview.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. The Commissioner is authorized to charge any deficiency in fees, including

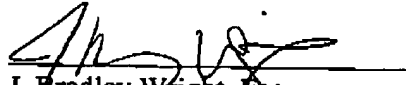
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extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account
No. 50-0481.

Respectfully Submitted,

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment was filed by facsimile with the United States Patent and Trademark Office, Examiner Colby M. Hansen, Group Art Unit #3682 at fax number (571) 273-8300 this 2nd day of May, 2006.


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